

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JILL BABCOCK,

Plaintiff,

v.

MICHIGAN STRATEGIC FUND, MICHIGAN
ECONOMIC DEVELOPMENT CORPORATION,
and MICHAEL A. FINNEY, in his individual and
official capacities,

Defendants.

Case No. 14-13593

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Jill Babcock recently filed a four-count complaint in this court alleging the following causes of action: Count I, discrimination and interference with rights in violation of the Family Medical Leave Act of 1993 ("FMLA"); Count II, failure to accommodate in violation of the Americans with Disabilities Act ("ADA"), the Rehabilitation Act ("RA"), and Michigan's Persons with Disabilities Civil Rights Act ("PWDCRA"); Count III discrimination in violation of the ADA, RA and PWDCRA; Count IV, retaliation, interference, coercion and/or intimidation in violation of the ADA, RA and PWDCRA.

Although Plaintiff's causes of action arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. There is no allegation that the parties to this action are diverse, and the court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that the portions of Counts II, III, and IV that allege causes of action under Michigan's PWDCRA are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: November 4, 2014

I hereby certify that a copy of the foregoing document was served upon the attorneys of record on this date, November 4, 2014, using the ECF system.

s/William Barkholz
Case Manager